

December 18, 2006
Regular Session

Minutes

Members present

Kim Phillips- Chairman
Tommy Garner- Vice- Chairman
Joel Cornelius- Commissioner
Chad Wagoner - Commissioner
Brady Wooten- Commissioner

Others Present

Eric Williams-Interim County Manager
Melinda Vestal-Clerk to the Board
James Graham-County Attorney

Chair Phillips called the meeting to order. Commissioner Cornelius had the invocation. The pledge was led by Emily Starling, 8th grader at Fall Creek School. Ms. Starling reviewed some of the activities at Fall Creek School.

***Commissioner Wooten made a motion to amend the agenda.
Commissioner Cornelius seconded.**

Mr. Williams asked the Board to consider setting a public hearing on January 16th for the purpose of rezoning property owned by Tim and Brenda Doub. The Board would also need to consider rewrites of the zoning code. Mr. Williams stated the Planning Board has invited the Board to their January 8th meeting.

The Board voted 5-0.

Mr. Kim Bates, Planning Director, handed out a survey which the Planning Board, Board of Adjustments and Board of Commissioners will use to update the Land Use Plan. Mr. Bates also discussed Parallel Conditional Zoning.

***Commissioner Cornelius made a motion to set a public hearing on January 16th at 7:00 p.m. for proposed zoning changes. Commissioner Garner seconded.**

There was discussion about the letter from Ed Powell regarding the Doub case.

The Board voted 5-0.

Public Hearing- Zoning

Mr. Bates reviewed the steps for requesting a rezoning change. Mr. Bates presented the Board a rezoning request for Sandy and Cheryl Vestal. The property is currently zoned Manufactured Home Park and the Vestals are requesting the property be rezoned to Community Business; the property is located on Hwy 67 West, East Bend, near Butner Mill Road. The Planning Board recommended the zoning request.

Chair Phillips closed the public hearing.

***Commissioner Cornelius made the motion to approve the rezoning request for the Vestals. Commissioner Wagoner seconded. The Board voted 5-0.**

Public Comments

Peggy Boose, Boonville, addressed the Board concerning the jail. Ms. Boose stated that Judge Craig said the County does not have to build a new jail. She asked the Board to look at the Census for Yadkin County and the home values. Some of the citizens footing the bill would be paying for a jail that is nicer than some of their homes. She asked how the Board could do this to the citizens of Yadkin County?

Lloyd Pardue, Yadkinville, inquired about the Grand Jury Report and whose responsibility it is to fix the maintenance issues cited on the report.

Chair Phillips stated it is the responsibility of the Sheriff; County Commissioners fund the Sheriff's Office.

Commissioner Wooten stated the county should have a maintenance program for all the buildings.

Bill Garrett, Boonville, stated at the last meeting Mr. Casstevens brought a resolution to the Board regarding English as the primary language. He stated General Statute 145.12, "English is the official language of North Carolina. Mr. Garrett stated documentation needs to be done in English only. The Board needs to address this issue and consider the resolution. This is America and people need to learn to speak English. He stated people are taking advantage of our nation.

Commissioner Garner questioned what G.S. 143.12 stated.

Mr. Garrett read the General Statute.

Lisa Pendry, Fall Creek, commented the Hispanic people bring culture and provide hard workers to our area and the least we could do is provide the proper documentation to make life more successful.

Alex Cruz, Forbush Student, stated his Mother worked two jobs and learned English on her own. He stated most Hispanics are bi-lingual and put their heart and soul into this County and this Country to provide for their families. He asked why people feel threatened over documentation. In North Carolina, the Hispanic population brings a lot to the communities.

Alice Singh, Yadkinville, stated her husband is from India. She questioned if we are concerned with the difference in language or about people being legal or illegal. Hispanics, like others, come to America to better themselves. She stated God does not see color. Ms. Singh suggested the Board provide good planning for the jail. She also stated the law dictates what has to be done regarding the jail.

Larry Long, Yadkinville, stated the Sheriff is responsible for maintenance unless he turns it over to the Commissioners. He was asked by Commissioner Wooten to fix the problems at the jail and he repaired all fixable items in 2 ½ hours. He stated the jail needs to be painted. He suggested the Commissioners visit the jail.

Dianne Doub, East Bend, discussed the people that are here illegal and that employers should go by the Constitution. She discussed becoming citizens. She inquired what Yadkin County is doing about fake Social Security cards.

Bradley Hardy, former Forbush student, disagreed with former Commissioner Casstevens with strongly enforcing the language of Yadkin County. He questioned which form of English do we want to use- Old English? He discussed the English language and using proper wording. He suggested the County hire someone to correct improper language used every day; this is what we have come to.

Minutes

***Commissioner Wooten made the motion to approve the minutes. Commissioner Wagoner seconded. The Board voted 5-0.**

East Bend- water

Lawrence Todd, East Bend Town Council member, discussed contamination in the water and the levels of radium present in 4 out of 5 wells which are used to supply water for the Town. He stated they are trying to secure a grant from Rural Development in Raleigh to purchase a Brine System to treat the wells. The cost is approximately \$113,000. The request for the grant was denied due to the Tier Rating for the County, but now the Tier Rating has changed and the Town plans to reapply. The Town would contribute 50% of the cost; therefore are requesting assistance from the County.

Mr. Todd stated the main well was pumping 250,000 gallons, but that has decreased tremendously. The radium level is .8 in the well and the State recommends the levels be .5. The State has suggested closing down the largest well.

Commissioner Wagoner discussed other options.

Mr. Todd stated this is the least expensive way to fix the problem. He explained what would happen if the water was not fixed.

Commissioner Wagoner asked if any personal wells were contaminated.

The Board discussed testing and contaminations.

Mr. Williams stated the Rural Center funding is almost depleted and there are not enough funds to do the project. The deadline to apply is January 15th. He stated that East Bend would raise the local contribution and has suggested they contact the COG about a low interest loan

EMS- contract/agreement

Brent Hawks, EMS Operations Director, stated EMS contracts out the billing services for EMS. He has discussed with the company reducing the percentage rate of collection from 10% to 9%, if the contract is renewed for three years. He requested to proceed with the agreement.

The Board discussed charges for Medicare.

Dale Trivette, Emergency Management Director, stated the rates are based on zip codes and because we are so close to Winston –Salem we have always been considered urban, not rural. Mr. Trivette stated from July to November revenues were up \$50,000; costs are mostly fixed for EMS. He thanked Allen Sneed for his hard work assisting EMS. Mr. Trivette informed the Board revenues could increase up to \$170,000 yearly based on reclassification from urban to rural, except the East Bend area, in regards to loaded transport miles.

Commissioner Wooten questioned the billing being done in a timely fashion.

Mr. Hawks stated the bills are filed with the insurance company before the patient gets a bill and this issue has been addressed with company

Mr. Trivette stated several statements are sent and the collection rate is 75-80% of the billed amount.

There was discussion about hiring a collection agency to collect the outstanding bills.

Mr. Hawks stated he does not recommend a collection agency. Some people cannot pay and we have some who are paying \$5 per month and they are the ones what would suffer.

Commissioner Cornelius asked if there are any other companies that do this?

Mr. Hawks stated there is another company but they are out of state and they charge the same %. He stated EMS Management is in Clemmons.

Mr. Hawks stated he is working on getting the rate reduced to 8% if the contract is signed for 3 years.

***Commissioner Wooten made the motion to approve the billing contract for 2 years at 9% or for 3 years at 8%. Commissioner Garner seconded. The Board voted 5-0.**

Crossroads- board appointments

***Commissioner Wooten made the motion to reappoint Allen Dixon to serve on the Crossroads Mental Health Board. Commissioner Cornelius seconded. The Board voted 5-0.**

Chair Phillips called for break.

Jail-citizen concern

Larry Long, Yadkinville, stated the Judge gave space to fix the problems to bring the jail up to standards. The primary issue is the heating and air condition. The original building was not built up to standards nor has it been properly maintained. He suggested before the County hires an Architect with high dollar ideas; they add air conditioning to the upstairs. Mr. Long stated that Commissioner Wooten asked him to fix the current problems at the jail. Mr. Long suggested as Phase I, tearing down the EMS office building and building an addition but do not attach it to the jail. Then for Phase II purchase land. Mr. Long said he would be willing to donate his time to help.

Finance-budget amendments

General Fund

Dept: EMS

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
Donations	1044330-44139	0	520.00	520.00

Repairs/Maintenance-Buildings	1054330-53010	6,000.00	520.00	6,520.00

To amend for monies received by EMS as a donation.

Commissioner Wooten made the motion to approve the budget amendment. Commissioner Cornelius seconded. The Board voted 5-0.

General Fund
Dept: Elections

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
Refund of Grant Monies	1054170-55301	0	1,586.00	1,586.00
Appropriated Fund Balance	1044000-49000	1,312,046.00	1,586.00	1,313,632.00

To amend for monies to be repaid to the State Board of Elections for the remaining funds of a state technology grant received in 05-06 that was not used.

***Commissioner Wooten made the motion to approve the budget amendment. Commissioner Cornelius seconded. The Board voted 5-0.**

General Fund
Dept: Public Buildings

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
Building/grounds Maintenance	1054260-53010	45,365.00	50,000.00	95,365.00
Appropriated Fund Balance	1044000-49000	1,312,046.00	50,000.00	1,362,046.00

To amend for monies to be used to repair the two holding cells at the courthouse.

***Commissioner Wagoner made the motion to approve the budget amendment. Commissioner Garner seconded. The Board voted 5-0.**

Mr. Williams stated he has meeting with Wayne Dixon, Clerk of Courts, to discuss the other side of the courthouse and what can be done.

E-911 Fund
Dept: E-911

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
Transfer to Capital Projects-orthophoto Wireless funds	2754312-57030	0	46,260.00	46,260.00
Appropriated Fund Balance	2744312-49000	31,200.00	46,260.00	77,460.00

To amend for wireless monies to be transferred to the Capital Projects Fund to be used for the digital orthophoto project.

***Commissioner Cornelius made the motion to approve the budget amendment. Commissioner Wooten seconded. The Board voted 5-0.**

E-911 Fund
Dept: WIRELESS

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
Wireless Capital Outlay	2754312-56012	-0-	23,980.00	23,980.00
Maintenance Contract-Wireless	2754312-55031	9,120.00	720.00	9,840.00
Appropriated Fund Balance	2744312-49000	31,500.00	24,700.00	56,200.00

To amend for the purchase of a Wireless system RescueStar upgrade and accessories for mapping and E-911 purposes.

***Commissioner Wooten made the motion to approve the budget amendment. Commissioner Garner seconded. The Board voted 5-0.**

General Fund
Dept: Sheriff Department

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
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Equipment	1054310-56010	13,049.00	5,821.00	18,870.00
Appropriated Fund Balance	1044000-49000	1,362,046.00	5,821.00	1,367,867.00

To amend for a new heat pump that had to be replaced in the Sheriff's Dept.

***Commissioner Cornelius made the motion to approve the budget amendment. Commissioner Garner seconded. The Board voted 5-0.**

Tax Administration- refunds

REFUNDS		
DATE SUBMITTED FOR APPROVAL		
DECEMBER 18, 2006		
NAME/REASON	YEAR	TOTAL REFUND AMOUNT
LEANN NORMAN 4149 FORBUSH RD EAST BEND NC 27018 APPRAISER CORRECTED VALUE OF MOBILE HOME	2006	\$ 22.33
JOSEPH F JOHNSON 3920 HOLLEMAN RD JONESVILLE NC 28642 DEALER APPRAISAL OF BOAT/MOTOR REDUCTION IN VALUE	2006	\$ 21.22
TOTAL		\$ 43.55

***Commissioner Wooten made the motion to approve the refunds. Commissioner Garner seconded. The Board voted 5-0.**

Commissioner comments

Commissioner Wagoner stated he had a customer use the new CareMark Drug Card which saved them 22% on their prescription.

Commissioner Wooten stated he spoke with Randy Darden, Arcadis, about a waterline to Courtney School. ***Commissioner Wooten made a motion to direct Randy Darden, Arcadis, to move forward with engineering costs for waterlines to Courtney School. Commissioner Garner seconded.**

The Board discussed representatives from Arcadis coming before the Board to discuss waterlines. The Board discussed possible costs for the waterline.

The Board voted 1-4. Commissioners Garner, Wagoner, Phillips and Cornelius opposed.

Commissioner Wooten discussed the resolution brought up by former Commissioner Casstevens regarding English as primary language. He commented that there was an article in the Winston-Salem Journal about the "Selling of Illegal Documents". He questioned how the county identifies fake SS card?

Mr. Williams stated employees fill out I9's; there is no way of telling what is fake or legal.

Commissioner Wooten stated that Mecklenburg County is concerned with funding sources being affected by the fake cards.

Commissioner Cornelius asked Attorney Graham to review the pilot program in conjunction with I-9's. He asked about the approval of the resolution and if adopted would it be legal. He discussed what type of identification is required to get Medicare/Medicaid. Commissioner Cornelius suggested tabling the issue until Attorney Graham could review it further.

***Commissioner Wooten made a motion to call for the question. Commissioner Garner seconded.**

Attorney Graham discussed "call the question" stating that each Board member has to be given a chance to speak on the issue before the vote. The vote on "calling the question" has to be a 2/3 majority

Commissioner Wooten read the motion presented by former Commissioner Casstevens; Yadkin County shall not make purchases or sign contracts for services with any company or non-profit organization that hire illegal

aliens. This would also apply to company's sub-contractors. In addition, I want our county enrolled in the free federal program called Basic Pilot Program which allows the employer, public or private, to check federal databases for work-eligibility status of any prospective employee. This program catches people who submit false documents such as fake social security cards. All county employees and department heads need to hear from our Attorney, James Graham, exactly what they can or cannot ask prospective employees and/or individuals requesting any type of assistance from DSS or the Health Department. I also want the federal program 287g implemented to assist our law officers in identifying illegal immigrants. In this motion, I also want to include we support English as our official language. This motion is not in any way meant to supercede or conflict with any federal or state law.

Attorney Graham stated adopting the resolution would be redundant; it would accomplish no purpose. He commented a State law has already been passed to adopt English as the official State language and there is federal program which makes I-9s required for employment.

The Board voted 5-0 to call the question.

The Board voted 1-4 on the motion presented by Commissioner Casstevens at a previous meeting. Commissioners Phillips, Wagoner, Cornelius and Garner opposed.

Commissioner Wooten handed out copies of the ordinance and requested it be put on the January 16th agenda.

Commissioner Cornelius wished everyone a Merry Christmas and Happy Holidays.

Chair Phillips inquired about advertising for a manager on the NACo website. Ms. Vestal stated she would follow- up.

Chair Phillips thanked Ms. Vestal and Ms. Cranfill for a successful employee lunch. She also thanked Rusty Crissman, CMS Insurance, for providing additional door prizes so that everyone would win.

Chair Phillips reminded the Board of the joint meeting with the Board of Education, January 29th. (TBA)

Manager comments

Mr. Williams stated the next step for the jail is to hire an architect. He would be sending out RFP (Request for Proposal) if the Board so desires. He also suggested reviewing possible sites and seeking finances.

Commissioner Wooten stated there are alternatives besides building a new, expensive jail. He is not against providing adequate facilities. He stated this past summer the temperature got hot in the jail and the prisoners were moved and summer will be here again and the same problem still exists. He commented the Board of Commissioners are to provide adequate facilities. The Judge has no authority to impose one way or another. He suggested looking at all the facility needs in the County. He stated if the jail and courthouse were beside each other it would provide more safety. Commissioner Wooten stated we are jumping ahead of ourselves; this needs better planning.

***Commissioner Cornelius made the motion to proceed with Mr. Williams sending out RFPs. Commissioner Wagoner seconded.**

Commissioner Wagoner stated there does need to be total facility planning, but the first piece of the puzzle would be to buy a tract of land and we could add other facilities at a later date.

Commissioner Wooten agreed that the land should be purchased first.

The Board voted 4-1. Commissioner Wooten opposed.

***Commissioner Cornelius made a motion to adopt the resolution for surplus property. Commissioner Wagoner seconded. The Board voted 5-0.**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF YADKIN COUNTY DECLARING CERTAIN PROPERTY OF THE COUNTY
TO BE SURPLUS
AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY**

WHEREAS, North Carolina General Statute 160A-266 and 160A-267 allows for a County to dispose of personal property belonging to the County; and

WHEREAS, the Board of Commissioners of the County of Yadkin, North Carolina, has determined that the County owns certain personal property that is no longer needed or usable by the County; and

WHEREAS, the property consists of equipment that is old and beyond repair, some of which has not been used since approximately **(2004)**; and

WHEREAS, the property is described in attachments to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Yadkin County Board of Commissioners that the County Manager is hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, Internet on-line offering, private negotiation and sale, upset bid process or destruction. The County Manager shall report the result of the disposition of the items listed above at the next regular meeting of the Board of Commissioners following said disposition.

Adopted this 4th day of December 2006.

s/Kim Clark Phillips
Chairman, Yadkin County

Mr. Williams stated the County has a great IT Department but with the lack of staff, they cannot develop the website per the Board's request. Chris Shugart, IT Director, has received three proposals to do the County's website. The low bid was from Cube Creative Design with a cost of \$1,949 with a yearly hosting cost of \$145. If the Board approves this proposal, the website could be up and running by April 1st.

Chris Shugart, IT Director, reviewed the proposals. He checked out websites designed by Cube Creative Design. Mr. Shugart reviewed the features available for the website.

Commissioner Wooten stated he did not think this design would work for the County.

Mr. Shugart stated he would be supervising the design. He stated most websites use basic templates

Commissioner Cornelius asked if all departments would be on the website.

Mr. Shugart stated yes.

***Commissioner Cornelius made the motion to approve the proposal from Cube Creative Design. Commissioner Wagoner seconded. The Board voted 4-1. Commissioner Wooten opposed.**

Mr. Williams stated the application for the Virginia Daniels Spay Neuter Program has been removed from our website.

Mr. Williams stated the second letter for the Hwy 21 easements have been mailed out.

Attorney Graham commented the letter prepared was good. He stated that Ms. Vestal worked late one night on the letters and called him and suggested adding another sentence to include an easement form which was a good idea. We have already received three back.

Chair Phillips thanked Ms. Vestal for her hardwork.

Commissioner Cornelius inquired about Commissioner Board assignments.

Chair Phillips asked the other members to review the list of boards and committees. She stated the appointments would be made at the January 2nd meeting.

It was the consensus of the Board for Chair Phillips to be Yadkin County's Liaison for District 18.

Mr. Williams stated he met with Ken Larking and the Engineers about routing issues and backflows. He informed the Board that a decision was made to change the route. There will be a lift station located at the Austin Company. An agreement letter between the County and Town is being drafted for the redesign saving approximately \$250,000.

Commissioner Wooten stated when the letter is approved by Town he suggested calling the Board and getting a consensus so we can move ahead with this project.

Mr. Williams stated he has spoken with Kim Bates and Gary Hayes about reviewing the Planning and Zoning fees.

Commissioner Wooten stated that Commissioner Garner, Cheri Cranfill and Jack Loudermilk have agreed to help him with the solid waste issue.

Mr. Williams stated that staff is working on solid waste issues and should have the Auditor's recommendations in place by the end of the year.

Mr. Williams stated DOT needs to hold a public hearing for the Secondary Road Plan and has suggested January 23rd or January 30th @ 7:00 p.m.

It was the consensus of the Board to set the hearing for January 30th.

Mr. Williams suggested keeping the February 5th meeting short to hold a Department orientation. He informed the Board that Jack Loudermilk's office would be feeding us lunch that day and thought it would be a good time to do the orientation.

Mr. Williams requested more time to review the roof issues at the Ag building.

Adjournment

***Commissioner Cornelius made the motion to adjourn. Commissioner Wooten seconded. The Board voted 5-0.**

Melinda Vestal, CMC
Clerk to the Board